

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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DATE FILED: 1/24/2020

GE CHUN WEN, on behalf of herself and
others similarly situated,

Plaintiff,

-against-

HAIR PARTY 24 HOURS INC.
d/b/a Hair & Spa Party 24 Hours;
HAIR 24 HOURS, INC.
d/b/a Hair & Spa Party 24 Hours;
JIHEE SPROCH KIM a/k/a Jenny Kim
a/k/a Ji Xi Kin and JIN WOO AHN a/k/a
Jinu Sproch

Defendants.

15cv10186 (ER) (DF)

**SCHEDULING ORDER
FOR A DAMAGES INQUEST**

DEBRA FREEMAN, United States Magistrate Judge:

On October 29, 2018, the Honorable Edgardo Ramos., U.S.D.J., referred this wage-and-hour case to this Court for the purpose of conducting an inquest, with respect to the amounts that should be awarded to plaintiff Ge Chun Wen (“Plaintiff”), upon the default of defendants Hair Party 24 Hours Inc., d/b/a Hair & Spa Party 24 Hours (“Hair Party”), Hair 24 hours, Inc., d/b/a Hair & Spa Party 24 Hours (“Hair 24”), Jihee Sproch Kim a/k/a Jenny Kim a/k/a Ji Xi Kin (“Kim”) and Jin Woo Ahn a/k/a Jinu Sproch (“Ahn”), (collectively, “Defendants”). A review of the Court’s Docket shows that, in connection with her motion for a default judgment (Dkt. 32), as well as an Affidavit from her counsel (Dkt. 33), setting out the amounts claimed to be due from Defendants in damages, interest, attorneys’ fees, and costs, as well as the basis for those claims. It also appears from the Docket that Plaintiff served her motion papers on Defendants. (See Dkt. 38.)

Although the well-pleaded allegations of the Complaint establish Defendants' liability on the pleaded claims, Defendants are still entitled to be heard by the Court, if they wish to contest the amount of the damages, interest, fees, and costs being sought by Plaintiff. Accordingly, it is hereby ORDERED that:

1. If Defendants wish to contest the amounts being requested by Plaintiff, then, **no later than February 24, 2020**, they shall submit to the Court their responses to the damages calculations and the fee application that are set out in Plaintiff's motion for a default judgment.
2. Defendants Hair Party and Hair 24 are cautioned that, as corporate entities, they may not appear in this Court without an attorney. For this reason, any response to Plaintiff's damages/fee submissions that they may wish to file, including any request for a hearing on damages, must be made through counsel, in order for that response to be considered by the Court.
3. If they wish, the individual defendants, Kim and Ahn, may proceed *pro se* (in other words, without counsel) in filing their responses to Plaintiff's submissions. If Kim and Ahn choose to proceed *pro se* in connection with this damages inquest, then they should file their responses by mailing or otherwise delivering them to this Court *Pro Se* Office, which is located at the United States Courthouse, 40 Centre Street, Room 105, New York, New York 10007.
4. IF DEFENDANTS FAILS TO RESPOND TO PLAINTIFF'S SUBMISSIONS BY FEBRUARY 24, 2020, THEN THIS COURT WILL PROCEED TO ISSUE A REPORT AND RECOMMENDATION CONCERNING DAMAGES ON THE BASIS OF PLAINTIFF'S WRITTEN SUBMISSIONS ALONE. FURTHER, THIS COURT WILL NOT HOLD A HEARING ON DAMAGES, UNLESS ANY DEFENDANT REQUESTS A HEARING, IN WRITING, BY FEBRUARY 24, 2020. *See Action S.A. v. Marc Rich & Co.*, 951 F.2d 504, 508

(2d Cir. 1991) (Fed. R. Civ. P. 55(b)(2) “allows but does not require . . . a hearing”); *Fustok v. ContiCommodity Servs. Inc.*, 873 F.2d 38, 40 (2d Cir. 1989) (“[I]t [is] not necessary for the District Court to hold a hearing, as long as it ensured that there was a basis for the damages specified in a default judgment.”).

5. Plaintiff is directed to serve a copy of this Order on Defendants and to file proof of service no later than January 31, 2020.

Dated: New York, New York
January 24, 2020

SO ORDERED



DEBRA FREEMAN
United States District Judge

Copies to:

Plaintiff's Counsel (via ECF)

Jin Woo Ahn a/k/a Jinu Sproch
450 Park Avenue South
New York, NY 10016

Jihee Sproch Kim a/k/a Jenny Kim a/k/a Ji Xi Kin
450 Park Avenue South
New York, NY 10016

Hair Party 24 Hours Inc.
d/b/a Hair & Spa Party 24 Hours
450 Park Avenue South
New York, NY 10016

Hair 24 Hours, Inc.,
d/b/a Hair & Spa 24 Hours
450 Park Ave South
New York, NY 10016